

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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FISCAL IMPACT STATEMENT

LS 7040

BILL NUMBER: SB 379

NOTE PREPARED: Jan 1, 2010

BILL AMENDED:

SUBJECT: Partition of Land.

FIRST AUTHOR: Sen. Kruse

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: Local

Summary of Legislation: The bill allows persons who hold land in joint tenancy or tenancy in common to compel the sale of the land if all of the persons who hold an interest in the land cannot agree on the partition of the land. It requires the sale of the land to be held at a public auction advertised and conducted by a licensed auctioneer. The bill also repeals provisions concerning the compelled partition of land by persons who hold land in joint tenancy or tenancy in common. It makes conforming amendments.

Effective Date: July 1, 2010.

Explanation of State Expenditures:

Explanation of State Revenues:

Explanation of Local Expenditures: If the use of an auctioneer to sell land where all those with an interest in the land cannot agree on the sales of the land, the bill may reduce the amount of supervision required of the court for partition and sale of certain land. Court costs, which are collected from the nonprevailing party under the bill, are not expected to change.

Background: The bill repeals a process by which the court appoints three commissioners to make partition of lands in accordance with the judgement of the court. In the sections that would be repealed by the bill, the commissioners must swear oaths, report on activities to the court, and make recommendations on the partition of the land. If there is a vacancy among the commissioners, the court may make a new appointment, or if the court sets aside the partition recommendation of the commissioners, new appointments may be

made. If the commissioners indicate that the land cannot be partitioned, another commissioner is appointed to conduct a sale of the land. The court determines a reasonable allowance for the commissioners for their services. Under the bill, if all the people who hold an interest in the land cannot agree on partition of the land, the court may order the land sold at public auction by a licensed auctioneer.

Explanation of Local Revenues:

State Agencies Affected:

Local Agencies Affected: Courts.

Information Sources:

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